

1 AN ACT concerning taxes.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Gas Use Tax Law is amended by adding
5 Section 5-90 as follows:

6 (35 ILCS 175/5-90 new)

7 Sec. 5-90. Applicability; repealer.

8 (a) The tax imposed under this Act is no longer imposed
9 and no tax may be collected under this Act with respect to
10 bills issued on or after the effective date of this
11 amendatory Act of the 93rd General Assembly. This Sectin
12 does not affect the liability for or collection of tax with
13 respect to bills issued before the effective date of this
14 amendatory Act of the 93rd General Assembly.

15 (b) This Act is repealed on July 1, 2006.

16 Section 10. The Gas Revenue Tax Act is amended by
17 changing Section 1 as follows:

18 (35 ILCS 615/1) (from Ch. 120, par. 467.16)

19 Sec. 1. For the purposes of this Act: "Gross receipts"
20 means the consideration received for gas distributed,
21 supplied, furnished or sold to persons for use or consumption
22 and not for resale, and for all services (including the
23 transportation or storage of gas for an end-user) rendered in
24 connection therewith, and shall include cash, services and
25 property of every kind or nature, and shall be determined
26 without any deduction on account of the cost of the service,
27 product or commodity supplied, the cost of materials used,
28 labor or service costs, or any other expense whatsoever.
29 However, "gross receipts" shall not include receipts from:

1 (i) any minimum or other charge for gas or gas
2 service where the customer has taken no terms of gas;

3 (ii) any charge for a dishonored check;

4 (iii) any finance or credit charge, penalty or
5 charge for delayed payment, or discount for prompt
6 payment;

7 (iv) any charge for reconnection of service or for
8 replacement or relocation of facilities;

9 (v) any advance or contribution in aid of
10 construction;

11 (vi) repair, inspection or servicing of equipment
12 located on customer premises;

13 (vii) leasing or rental of equipment, the leasing
14 or rental of which is not necessary to distributing,
15 furnishing, supplying, selling, transporting or storing
16 gas;

17 (viii) any sale to a customer if the taxpayer is
18 prohibited by federal or State constitution, treaty,
19 convention, statute or court decision from recovering the
20 related tax liability from such customer;

21 (ix) any charges added to customers' bills pursuant
22 to the provisions of Section 9-221 or Section 9-222 of
23 the Public Utilities Act, as amended, or any charges
24 added to customers' bills by taxpayers who are not
25 subject to rate regulation by the Illinois Commerce
26 Commission for the purpose of recovering any of the tax
27 liabilities or other amounts specified in such provisions
28 of such Act; and

29 (x) prior to October 1, 2003 and beginning again
30 with respect to bills issued on or after the effective
31 date of this amendatory Act of the 93rd General Assembly,
32 any charge for gas or gas services to a customer who
33 acquired contractual rights for the direct purchase of
34 gas or gas services originating from an out-of-state

1 supplier or source on or before March 1, 1995, except for
2 those charges solely related to the local distribution of
3 gas by a public utility. This exemption includes any
4 charge for gas or gas service, except for those charges
5 solely related to the local distribution of gas by a
6 public utility, to a customer who maintained an account
7 with a public utility (as defined in Section 3-105 of the
8 Public Utilities Act) for the transportation of
9 customer-owned gas on or before March 1, 1995. The
10 provisions of this amendatory Act of 1997 are intended to
11 clarify, rather than change, existing law as to the
12 meaning and scope of this exemption. ~~This exemption-(x)~~
13 ~~expires-on-September-30,-2003-~~

14 In case credit is extended, the amount thereof shall be
15 included only as and when payments are received.

16 "Gross receipts" shall not include consideration received
17 from business enterprises certified under Section 9-222.1 of
18 the Public Utilities Act, as amended, to the extent of such
19 exemption and during the period of time specified by the
20 Department of Commerce and Community Affairs.

21 "Department" means the Department of Revenue of the State
22 of Illinois.

23 "Director" means the Director of Revenue for the
24 Department of Revenue of the State of Illinois.

25 "Taxpayer" means a person engaged in the business of
26 distributing, supplying, furnishing or selling gas for use or
27 consumption and not for resale.

28 "Person" means any natural individual, firm, trust,
29 estate, partnership, association, joint stock company, joint
30 adventure, corporation, limited liability company, or a
31 receiver, trustee, guardian or other representative appointed
32 by order of any court, or any city, town, county or other
33 political subdivision of this State.

34 "Invested capital" means that amount equal to (i) the

1 average of the balances at the beginning and end of each
2 taxable period of the taxpayer's total stockholder's equity
3 and total long-term debt, less investments in and advances to
4 all corporations, as set forth on the balance sheets included
5 in the taxpayer's annual report to the Illinois Commerce
6 Commission for the taxable period; (ii) multiplied by a
7 fraction determined under Sections 301 and 304(a) of the
8 "Illinois Income Tax Act" and reported on the Illinois income
9 tax return for the taxable period ending in or with the
10 taxable period in question. However, notwithstanding the
11 income tax return reporting requirement stated above,
12 beginning July 1, 1979, no taxpayer's denominators used to
13 compute the sales, property or payroll factors under
14 subsection (a) of Section 304 of the Illinois Income Tax Act
15 shall include payroll, property or sales of any corporate
16 entity other than the taxpayer for the purposes of
17 determining an allocation for the invested capital tax. This
18 amendatory Act of 1982, Public Act 82-1024, is not intended
19 to and does not make any change in the meaning of any
20 provision of this Act, it having been the intent of the
21 General Assembly in initially enacting the definition of
22 "invested capital" to provide for apportionment of the
23 invested capital of each company, based solely upon the
24 sales, property and payroll of that company.

25 "Taxable period" means each period which ends after the
26 effective date of this Act and which is covered by an annual
27 report filed by the taxpayer with the Illinois Commerce
28 Commission.

29 (Source: P.A. 93-31, eff. 10-1-03.)

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.